

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LANCE P McDERMOTT,

CASE NO. C13-2011 MJP

Plaintiff,

ORDER DENYING MOTION FOR
RECONSIDERATION AND
DISMISSING MOTION TO AMEND

JOHN P POTTER, et al.,

Defendants.

THIS MATTER comes before the Court on Plaintiff's motion (Dkt. No. 49) to reconsider

this Court's order dismissing Plaintiff's case. (Dkt. No. 45.) Plaintiff has also moved to file

another amended complaint. (Dkt. No. 48.) Having reviewed the motions and all related papers,

the Court DENIES Plaintiff's motion for reconsideration, and DISMISSES as moot Plaintiff's

motion to amend.

Under Locality

court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.” *Id.*; see also Marlyn Nutraceuticals, Inc. v. Mucos

1 Pharma, 571 F.3d 873, 880 (9th Cir. 2009) (finding a motion for reconsideration warranted only
2 when a district court is presented with newly discovered evidence, committed clear error, or
3 when there is an intervening change in the controlling law).

4 Plaintiff requests reconsideration “because of clear errors and misunderstandings” in the
5 Court’s prior order. (Dkt. No. 49 at 1.) Plaintiff quotes extensively from Defendants’ motion to
6 dismiss and other motions, and disputes the accuracy of characterizations made by Defendants in
7 those motions. Arguments disagreeing with Defendants’ positions do not demonstrate clear error
8 by the Court in its prior order.

9 Plaintiff attempts to clarify his arguments in opposition to dismissal, and to clarify the
10 arguments in his complaint. These clarifications do not demonstrate clear error by the Court.

11 Plaintiff asks the Court for reconsideration in order to join additional parties and conduct
12 discovery. These requests do not demonstrate clear error by the Court.

13 Plaintiff’s motion for reconsideration fails to demonstrate clear error in the Court’s prior
14 order. The Court DENIES Plaintiff’s motion to reconsider and DISMISSES as moot Plaintiff’s
15 motion to amend.

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17 The clerk is ordered to provide copies of this order to all counsel.

18 Dated this 17th day of October, 2014.

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Marsha J. Pechman
Chief United States District Judge